

# EXHIBIT K

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDMUND BRYAN,

Plaintiff,

-against-

No. 07 Civ. 7300 (SHS

ECF Case

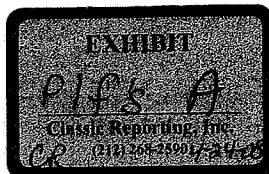
MEMORIAL SLOAN-KETTERING CANCER  
CENTER,

Defendant.

-----x

April 24, 2008  
10:20 A.M.

PLAINTIFF'S EXHIBITS A-C  
in the deposition of  
SHEILA DONOGHUE



**Investigation Summary**  
*Investigation Completed 3/14/07*

**Allegation**

- **Who is making the allegation:** Edmund Bryan, CPD Technician
- **Who is the allegation against:** Kevin O'Connor (TRE vendor), Kevin Walrond, Equipment Specialist, Jemel Robinson, CPD Tech, Miguel Ruiz, Lead Technician) and Rupert Gillette, Supervisor.
- **What is the allegation:** The use of a racial slur, and a homophobic remark by co-workers, a vendor and a supervisor.
- **How did this come to our attention:** Edmund Bryan requested to meet with me on Wednesday, March 7, 2007 to discuss his complaints. The incidents occurred on January 24<sup>th</sup> and 30<sup>th</sup> 2007.

January 24, 2007 the above referenced employees engaged in a "lewd" conversation. They were discussing men who live at home and how they view them as feminine. It is known that Mr. Bryan and his mother live together.

January 30, 2007 these same individuals were making jokes about Jamaicans. They said that all Jamaicans should be put on top of a snow covered mountain, give them a shovel and leave them there. Mr. Bryan is the only Jamaican on the night shift.

In addition to this, Mr. Bryan stated that he was told by Mr. Gillette to answer all of Mr. Ruiz's questions or he would be sent home by Security. He referenced someone who was recently sent home for refusing to sign a document. Mr. Ruiz is a new employee and according to Mr. Bryan he is not able to do any Q & A work as he does not know the names of the instruments. He applied for the Mr. Ruiz's position. He also stated that there was a "profound" use of the N word, and it was not his place to police.

I requested that he call me on Friday, March 9, 2007 for an update as I had no way contact him other than work. He never returned the call. Shortly after the meeting the Center was informed that Mr. Bryan filed a charge with the EEOC about the issues that were discussed on March 7, 2007.

**Investigation**

- On Wednesday, March 14, 2007 John Meggs, CPD Manager and I met individually with the above referenced employees except for Jemel Robinson n who is currently on a medical leave.

**Kevin Walrond** stated that he has to work around Mr. Bryan. He described Mr. Bryan as being "bi-polar" and this causes personal tension for Mr. Walrond. He denied making or engaging in any racial slurs. When asked about joking about people who live at home and referring to them as being feminine he stated that he did not recall a conversation and added that that he lives at home.

**Miguel Ruiz** described Mr. Bryan as "shut down and in his own world". He does not mingle or talk to anyone unless asked a question. If told to get something he has an attitude. Mr. Bryan applied for the job that Mr. Ruiz has. Mr. Ruiz described the climate as respectful. He does not recall any ethnic jokes being told, but stated that sometimes a person from another cultural group will ask the porter Lenox or Edmund Bryan how to say a particular word in Jamaican and sometimes he repeats the word with an incorrect accent and this upsets Mr. Bryan. He said that he has not heard any conversation about people who live at home are feminine.

**Rupert Gillette** said that Ephraim Terez, CPD Technician, jokes with Lenox, an Environmental Service employee, by trying to speak with a Jamaican accent. Mr. Bryan overheard this and reported it to the department manager. Mr. Gillette was told to address this with the staff. (see memo). He acknowledged that the word "nigga" is used in the department when the guys are fooling around. I instructed him to speak to the staff about refraining from using the word at work as it is considered to be offensive by people.

**Kevin O'Connor** has not heard anything directly offensive, and feels that Edmund Bryan looks for "repression". He said that one day the guys were joking with Kenneth Walrond about living with his mother, and not having to pay rent and recalls someone saying as son as I was eighteen I was out. He said that Mr. Bryan works about fifty feet away and doesn't know how he could have heard the conversation. Mr. O'Connor recalled asking Lenox (porter) where he was from and what it was like the first time that he felt the cold. He told Lenox that when they retire they will have sugar plantations next to each other and play cricket. He does hear the word "nigga" used when the guys are playing around. As a Caucasian he would not use the word.

- I reviewed an e-mail exchange between Rupert Gillette and John Meggs regarding Ephraim Terez trying out a Jamaican accent with Lenox. Mr. Gillette was reporting that Ephraim informed him that Mr. Bryan overheard the conversation and then threatened him. Mr. Bryan denied this. Mr. Meggs in a second e-mail instructed Mr. Gillette to speak to the staff about the inappropriateness of this

trying on a new accent at work and this can be perceived as insulting by other employees.

#### **Prior Relevant History**

- **Previous allegations:** Edmund Bryan filed a discrimination charge with the City Commission. In addition there is a long history of complaints that Mr. Bryan brought to the attention of Employee Relations and were investigated.
- **Results of investigation:** After an investigation and a hearing, the City Commission dismissed the claims in their entirety. Mr. Bryan has appealed this decision and in addition filed a charge with the EEOC.
- **Any prior relevant legal claims-** See above

#### **Conclusion**

- Is the allegation substantiated – There does not appear to be intentional disrespect on the part of those named. However the supervisor was informed to speak to the staff about discontinuing the mimicking of accents and the use of the word nigga-

#### **Recommendations**

- The department manager and supervisor need to have a “check in” with ER periodically.

#### **Follow-up Plan**

- Indicate any follow-up needed by ER Specialist

#### **Results** *(To be completed at a later date)*

- What actually occurred as a result of the investigation

**Employee Relations Specialist:** Sheila Donoghue

**Date Investigation was Completed:** 3/14/07

**REDACTED**